

# S.B. NO. 1241

JAN 24 2019

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## A BILL FOR AN ACT

RELATING TO ENERGY DATA.

### BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1       SECTION 1. The legislature finds that climate change poses  
2 a serious environmental, economic and public health threat  
3 worldwide. Hawaii is particularly vulnerable to increases in  
4 sea levels, storm intensity, flooding, and beach erosion which  
5 will result in disastrous impacts to our island state.

6       The legislature finds that to address Hawaii's contribution  
7 to climate change, it passed Act 234, Session Laws of Hawaii  
8 (SLH) 2007, which mandated that the State of Hawaii reduce its  
9 statewide greenhouse gas emissions to levels at or below 1990  
10 levels by January 1, 2020.

11       The legislature further finds that section 342B-72, Hawaii  
12 Revised Statutes (HRS), as enacted by section 8 of Act 234, SLH  
13 2007, mandated that the department of health adopt rules to  
14 ensure that any greenhouse gas emission reductions achieved are  
15 real, permanent, quantifiable, verifiable, and enforceable by  
16 the director of health.

## S.B. NO. 1241

1        In 2014, pursuant to section 342B-72, HRS, the department  
2        of health adopted chapter 11-60.1, subchapter 11, Hawaii  
3        Administrative Rules (HAR), to regulate greenhouse gas emissions  
4        to achieve the 2020 emissions limit.

5        Section 11-60.1-204(k), HAR, requires that the department  
6        of health conduct an annual evaluation, beginning in 2016, of  
7        progress to achieve the statewide greenhouse gas emission limit  
8        in a manner consistent with that done by the department of  
9        business, economic development, and tourism in its preparation  
10       of the 1990 greenhouse gas emission estimates under Act 234, SLH  
11       2007.

12       Pursuant to section 342B-72, HRS, and section 11-60.1-  
13       204(k), HAR, the department of health is now responsible for  
14       preparing the annual greenhouse gas progress reports that  
15       provide statewide greenhouse gas emission inventory estimates  
16       and updates.

17       The annual reports are essential in order for the  
18       department of health to assess the progress being made toward  
19       achieving the 2020 greenhouse gas emissions limit, to estimate  
20       uncertainties, and to support the determination of whether or  
21       not the 2020 limit has been met and will be sustained.

# S.B. NO. 1241

1           Currently, access to the energy data obtained via chapter  
2   486J, HRS, for compiling statewide greenhouse gas inventories,  
3   is restricted to a few state departments and authorized  
4   individuals. The department of health is currently not one of  
5   the listed state departments allowed access to this essential  
6   energy data. Without access to the data, the department of  
7   health has been having difficulty developing the most accurate  
8   and reliable estimates of the state greenhouse gas emission  
9   levels possible.

10          The purpose of this Act is to add the department of health  
11   to the list of state departments that have access to the energy  
12   data contained in chapter 486J, HRS, in order to increase the  
13   accuracy and reduce the levels of uncertainty in the department  
14   of health's annual greenhouse gas progress reports.

15          SECTION 2. Section 486J-5.5, Hawaii Revised Statutes, is  
16   amended to read as follows:

17          "**§486J-5.5 Energy data collection program.** The department  
18   shall establish the energy data collection program that includes  
19   development and maintenance of an energy database system that  
20   meets the requirements of government and industry, while  
21   promoting sound policy making, greenhouse gas emission inventory

# S.B. NO. 1241

1 reporting, energy planning, energy assurance planning, and  
2 energy security."

3 SECTION 3. Section 486J-6, Hawaii Revised Statutes, is  
4 amended by amending subsection (c) to read as follows:

5 "(c) Unless otherwise provided by law, with respect to  
6 data that the commission or department obtained or was provided  
7 pursuant to this chapter, neither the commission or department  
8 nor any employee of the commission or department may do any of  
9 the following:

- 10 (1) Use the information furnished or obtained for any  
11 purpose other than the purposes for which it is  
12 supplied;
- 13 (2) Make any publication whereby the data furnished by any  
14 person can be identified; or
- 15 (3) Permit any person other than the commission, the  
16 department of taxation, the attorney general, the  
17 consumer advocate, the department of business,  
18 economic development, and tourism, the department of  
19 health, and the authorized representatives and  
20 employees of each to examine the individual reports or  
21 statements provided."

# S.B. NO. 1241

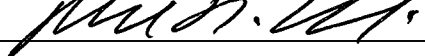
1       SECTION 4.   Section 486J-7, Hawaii Revised Statutes, is  
2 amended to read as follows:

3       "**§486J-7   Confidential information obtained by another**  
4 **state agency.**   Any confidential information pertinent to the  
5 responsibilities of the commission or the department specified  
6 in this chapter that is obtained by another state agency,  
7 including the department of taxation, the attorney general, and  
8 the consumer advocate, shall be available only to the attorney  
9 general, the attorney general's authorized representatives, the  
10 department of business, economic development, and tourism, the  
11 department of health, and the commission and shall be treated in  
12 a confidential manner."

13       SECTION 5.   Statutory material to be repealed is bracketed  
14 and stricken.   New statutory material is underscored.

15       SECTION 6.   This Act shall take effect upon its approval.

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17                                   INTRODUCED BY: 

18

BY REQUEST

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# S.B. NO. 1241

**Report Title:** Greenhouse Gas Data; Department of Health

**Description:** Permits the Department of Business, Economic Development, and Tourism to share energy data with the Department of Health for purposes of regulating greenhouse gas emissions.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

JUSTIFICATION SHEET

DEPARTMENT: HEALTH

TITLE: A BILL FOR AN ACT RELATING TO ENERGY DATA.

PURPOSE: The purpose of this bill is to grant access to the Department of Health for energy data related to greenhouse gases.

MEANS: Amend sections 486J-5.5, 486J-6(c), and 486J-7.

JUSTIFICATION: The Department of Health is unable to comply with statutory requirements for comprehensive greenhouse gas reporting without energy data compiled by the Department of Business, Economic Development, and Tourism. This bill will allow the Department of Business, Economic Development, and Tourism to share these data with the Department of Health.

Impact on the public: The inclusion of energy data may improve public understanding of progress towards climate change.

Impact on the department and other agencies: The Department of Business, Economic Development, and Tourism will be required to share data with the Department of Health.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: HTH 840.

OTHER AFFECTED AGENCIES: None.

EFFECTIVE DATE: Upon approval.